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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/991,687	11/26/2001	Ming Se Teng	MR2349-732	4171

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EXAMINER

JOO, JOSHUA

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 03/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/991,687	Applicant(s) TENG ET AL.	
	Examiner Joshua Joo	Art Unit 2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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1. Claims 1-8 are presented for examination.
2. Claims 1-8 are rejected.

Claim Rejections - 35 USC § 112

3. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. As per claim 1, lines 21-23, "the network copying system as claimed in claim 1, wherein said network protocol is a PPP, a HTTP, or a FTP protocol," it is unclear if this line is part of claim 1 or if it should be a dependent claim. The claim is written in an improper format, thus needs to be rewritten to remove "as claimed in claim 1" or be put in a dependent form. For this office action, it will be treated as part of the independent claim.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bergsten, US Patent #6,073,209, and in view of Lin et al, US Patent #6,052,785 (Lin hereinafter).

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7. As per claim 1, Bergsten teaches of an invention to provide clients with access to multiple storage subsystems by sending files through storage controllers. Bergsten's invention comprises of:

a) at least one user end, each of said user end including a network interface, at least one user end disk, said network copying system reading data of said user end disk and transmitting said data to a network through said network interface, said user end disk generating copying commands to said network by a network protocol (Col 13, lines 6-9, 34-35. Host computer transmits a write request to the server and transfers data to the storage controller.);

b) a server end including said network interface and at least one server end disk, said server end disk receiving said data and said copying commands outputted from said user end and outputting said data and said copying commands to an external interface by said network interface, said network interface connecting said user end through said network (Col 6, lines 58-59; Col 7, lines 50-51; Col 13, lines 6-9, 34-35; Col 14, lines 11-20. External storage controller receives write request and the data. Storage controller sends write request and data to another remote storage controller. Controller device interface may be an ethernet.); and

c) at least one copying unit connected to said external interface for receiving and storing said data from said server end and copying said data after receiving said copying commands (Col 3, lines 55-60; Col 14, lines 10-20. Remote storage controller receives data and stores data.).

8. Bergsten teaches of the user end comprising of a computer and the network protocol comprising of SCSI, Fiber Channel, ESCON, or other protocols (Col 3, lines 50-51; Col 4, lines 26-29).

9. Bergsten does not specifically teach of a user end comprising of a browser or the network protocol being a PPP, a HTTP, or a FTP protocol.

10. Lin teaches of an invention that provides security to a three-tier system comprising of clients, servers, and storage servers, where clients are provided access to the storage servers (Col 2, lines 40-46; Col 5, lines 20-27). The client comprises of a browser and the access to the storage servers is by SHTTP (Col 1, lines 46-48; Col 6, lines 8-11).

11. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Bergsten and Lin because both inventions deal with accessing remotely located databases, where the client information is first send to an intermediary server. The teachings of Lin to provide a browser to the client and using the SHTTP network improves the invention of Bergsten because a browser allows the user to provide requests and receive responses from the server, and the SHTTP allows for a secure network connection as taught by Lin (Col 5, lines 45-48; Col 6, lines 8-14).

12. As per claim 2, Bergsten teaches that the communication in the network may be by an ethernet (Col 6, lines 63-66).

13. Bergsten does not specifically teach the network copying system as claimed in claim 1, wherein said network interface is an Ethernet network interface.

14. Lin teaches that the client computer system comprises of an ethernet (Col 4, line 66-Col 5, line 2; Col 5, lines 4-5).

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15. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Bergsten and Lin because both inventions deal with accessing remotely located databases, where the client information is first send to an intermediary server. The teaching of Lin for a client computer system to comprise of an ethernet improves the invention of Bergsten by providing the client a high-speed connection to the server.

16. As per claim 3, Bergsten teaches the network copying system as claimed in claim 1, wherein said network is a LAN or an Internet (Col 3, lines 36-40. Network is LAN.).

17. As per claim 4, Bergsten teaches the network copying system as claimed in claim 1, wherein said external interface is wireless or a wired interface (Col 6, lines 58-59. External interface is an ethernet.).

18. As per claim 5, Bergsten teaches the network copying system as claimed in claim 1, wherein each of said copying unit comprises a hard disk, a source disk, a chipset, and at least one disk copier, said source disk reading disk data thereof, said chipset connecting with said external interface for receiving said data from said server end, storing said data to said hard disk, and receiving said copying commands form said server end, said disk copier driven by said chipset for reading said data of said hard disk and copying said data to a disk thereof (Col 3, lines 55-59; Col 5, lines 2-6; Col 6, lines 22-33, 58-59; Col 13, lines 50-52; Col 13, ilne 66-Col 14, line 6. Remote storage controller has an ethernet to receive data from another storage controller. It also comprises of a magnetic disk, optical storage device, cache, and a CD-R for

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storing received data and copying the data to multiple devices. Storage controller has a CPU, RAM, and ROM.).

19. Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bergsten, US Patent #6,073,209, and Lin, US Patent #6,052,785, and in view of Koga et al, US Patent #4,931,879 (Koga hereinafter).

20. As per claim 6, Bergsten teaches a network copying method comprising the steps of:

a) detecting numbers of said copying unit, said hard disk, said source disk, and said disk copier and sending said numbers to said user end (Col 3, lines 1-4; Col 14, lines 10-14.

Storage controller can communicate with one or more remote storage controller. Allows users access to multiple copies of stored data.);

b) reading said data of said user end disk, and transmitting said data to said server end (Col 13, lines 6-9, lines 34-35. Host transmits a write request to the server and transfers data.);

c) storing said data to said server end disk after receiving said data format file (Col 7, lines 50-51; Col 13, lines 6-9, 34-35. Storage controller receives write request and the data.);

d) transmitting said data to said copying unit by said external interface (Col 14, lines 11-20. Storage controller transmits data to another remote storage controller.);

e) said copying unit transmitting said data to said hard disk thereof (Col 13, line 66-Col 14, line 6; Col 14, lines 16-33. Remote controller receives data, and can copy the data to different devices.);

f) selecting said data and said disk copier by said host (Col 14-20. Storage controller can transmit data to one of a plurality of remote data controllers.);

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g) transmitting said copying commands from said user end to said copying unit (Col 13, lines 6-9; Col 14, lines 11-20. Host sends write request to the storage controller. Storage controller receives write request and sends write request to another storage controller.);

h) said disk copier reading said data from said hard disk and copying said data to said disk of said disk copier (Col 5, lines 1-6; Col 13, line 66- Col 14, line 6; Col 14, lines 16-33. Remote controller receives data, and can copy the data to different devices.); and;

i) acknowledging said user end after finishing copying said data to said disk (Col 14, lines 16-34. Provides acknowledgment message.).

21. Bergsten does not teach of converting said data to an assigned data format file and copying said assigned data format file to a disk copier.

22. Koga teaches of copying image data on a disk copier, where the data is first encoded then copied on to a CD (Col 4, lines 40-43, 53-55; Col 5, lines 32-36).

23. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Bergsten and Koga because the teachings of Bergsten and Koga are similar in that they both relate to copying and reproducing files on CDs. Bergsten teaches of copying and reproducing various types of data (Col 1, lines 14-21), thus it might be desirable to copy image files as well. The teachings of Koga to encode image files and then record the files to a CD improves the invention of Bergsten by providing compression to reduce the amount of information that is copied on to a CD.

24. As per claim 7, Bergsten, Lin, and Koga taught the network copying method as claimed in claim 6. Bergsten further teaches wherein said chipset comprises a CPU (central processing

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unit), a ROM (read only memory), and a RAM (random access memory) (Col 6, lines 22-33.

Storage controller comprises of a CPU, ROM, and RAM.).

25. As per claim 8, Bergsten does not teach of a network copying method as claimed in claim 6, wherein said assigned data format file is an image file.

26. Koga teaches of a copying image data onto a disk copier, where the assigned data format file is a coded image file (Col 4, lines 1-4).

27. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of because the teachings of Bergsten and Koga are similar in that that both relate to copying and reproducing files on CDs. The teachings of Koga to use coded image files improves the invention of Bergsten by providing a specific example of the type of data that can used, and of how Bergsten's invention can be further applied.

Conclusion

28. The following prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Shannon, US Patent #5,852,713, teaches of a computer backup method wherein the client sends files to a first server database, in which the first server can store the files at a second server database.

Allen, US Patent #5,418,713, teaches of sending media files from a host server to a remote server, where the remote server sends the media files to a copying unit. The media files are then copied onto CDs or hard disks.

29. A shortened statutory period for reply to this Office action is set to expire THREE MONTHS from the mailing date of this action.

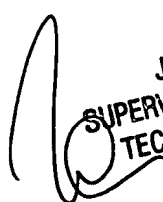
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30. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua Joo whose telephone number is 571 272-3966 and fax number is 571 273-3966. The examiner can normally be reached on Monday to Thursday 8 to 5:30.

31. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A Follansbee can be reached on 571 272-3964.

32. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

March 24, 2005
JJ

 JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
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